

MT LEGISLATIVE HISTORY 17/34

Chapter 355 19 75

Bill + 13

Bill H 436 S _____

Original bill & hist. C

H. Committee on Loc. Gov't.

S. Committee on Hwys + Transp.

Hearing Date(s) _____ C

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Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

1 House BILL NO. 436
 2 INTRODUCED BY Ramona Johnson Feinstein
 3 Palmer Alusant Harper Leater
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE Kerr Luebeck
 5 CREATION OF URBAN TRANSPORTATION DISTRICTS; AND PROVIDING AN
 6 IMMEDIATE EFFECTIVE DATE."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Purpose. This act authorizes the
 10 establishment of urban transportation districts to supply
 11 transportation services and facilities to district residents
 12 and other persons.

13 Section 2. Definitions. As used in this act:
 14 (1) "Commissioners" means the board of county commissioners
 15 or other governing body of a county;

16 (2) "District" means any transportation district
 17 created under this act;

18 (3) "Board" means the board of transportation of any
 19 district created under this act.

20 Section 3. Petition -- call for public
 21 hearing. (1) Proceedings for creation of a transportation
 22 district may be initiated by a petition, signed by not less
 23 than twenty percent (20%) of the qualified electors who
 24 reside within the proposed transportation district. The
 25 petition shall consist of one (1) sheet or several sheets

1 identical in form and fastened together after being
 2 circulated and signed so as to form a single, complete
 3 petition before being delivered to the county clerk. The
 4 petition shall give the address of each petitioner. The
 5 complete petition shall be filed with the county clerk, who
 6 shall within thirty (30) days thereafter, carefully examine
 7 the same and attach to it a certificate under his official
 8 signature and the seal of his office. The certificate shall
 9 set forth: The total number of persons who are registered
 10 electors within the proposed transportation district. Which
 11 and how many of the persons whose names are on the petitions
 12 are qualified to sign such petition. Whether such qualified
 13 signers constitute more or less than twenty percent (20%) of
 14 the registered electors of the proposed transportation
 15 district.

16 (2) The county clerk shall present the petition and
 17 his certificate to the commissioners at their first meeting
 18 held after he has attached his certificate.

19 (3) The commissioners shall thereupon examine the
 20 petition and, if they find that the petition is in proper
 21 form and bears the requisite number of signatures of
 22 qualified petitioners, the commissioners shall by resolution
 23 call for a public hearing on the creation of such
 24 transportation district. If the petition is found to be
 25 lacking in the number of signatures required, the

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commissioners shall postpone or continue any hearing upon the petition until such time as the required number of petitioners have signed the petition. The commissioners may call for a public hearing on any proposed transportation district regardless of whether a petition for the creation of a transportation district has been presented to the commissioners.

Section 4. Notice and conduct of public hearing. (1) At the time fixed for the public hearing, the commissioners shall hear all testimony offered in support of and in opposition to any petition and the creation of the district. The hearings may be adjourned from time to time for the determination of additional information, or hearing petitioners or objectors, without additional published or posted notice, but no adjournment may exceed two (2) weeks after the date originally noticed and published for the hearing.

(2) A notice of the public hearing shall be published in a newspaper having general circulation within the proposed transportation district once each week for at least two (2) weeks, the last publication to be at least two (2) weeks prior to the hearing. If there is no newspaper having general circulation within the proposed district, the notice of public hearing shall be posted in at least three (3) public places within the proposed district for two (2) weeks

prior to the hearing. The notice shall state the time, date, place, and purpose of the hearing and describe the boundaries of the proposed transportation district.

Section 5. Reject or create -- resolution -- election. (1) The commissioners, upon completion of the public hearing, shall proceed by resolution either to reject the creation of such a district, to exercise their power to create such a district, or to refer the creation of such district to the persons qualified to vote on such proposition; however, if a proper petition for the creation of a district has been presented to the commissioners and a public hearing held on it, the commissioners shall proceed either to create such a district or to refer the creation of a district to the persons qualified to vote on such proposition. The commissioners may, in their resolution, designate whether a special election shall be held, or whether the matter shall be determined at the next general election.

(2) If a special election is ordered, the commissioners shall, in their order, specify the date for the election, the voting places, and shall appoint and designate judges and clerks therefor. The election shall be held in all respects as nearly as practicable in conformity with the general election laws.

(3) At the election, the ballots shall contain the

1 words:

" ☐ Transportation District -- Yes

2 ☐ Transportation District -- No "

3 The judges of the election shall certify to the
4 commissioners the results of the election.

5 Section 6. Transportation board -- selection --
6 composition. (1) The district shall be governed and
7 managed by a transportation board appointed by a selection
8 board composed of the commissioners and an equal number of
9 transportation representatives from the governing body of
10 any incorporated city included or partially included in the
11 district. The selection board shall also fill all vacancies
12 occurring on the board. The selection board shall give
13 public notice of its solicitation of applications for
14 membership on the board, or for any vacancies occurring on
15 the board. The notice shall be published in a newspaper
16 having general circulation in the territory within the
17 transportation district, once each week for at least two (2)
18 weeks, the last publication to be at least two (2) weeks
19 before the appointment. If there is no newspaper having
20 general circulation within the proposed district, the notice
21 of solicitation shall be posted in at least three (3) public
22 places within the proposed district for two (2) weeks before
23 the appointment. The notice shall state the time, date and

1 place of the appointment.

2 (2) The transportation board shall consist of three
3 (3) members serving staggered three (3) year terms. The
4 first members appointed to the board shall serve one (1),
5 two (2) and three (3) years respectively, the term of one
6 member expiring on July 1 of each year. The members shall
7 serve without pay, except for necessary mileage expenses.

8 Section 7. Powers of transportation board. (1) The
9 board shall have all powers necessary and proper to the
10 establishment, operation, improvement, maintenance and
11 administration of the transportation district. The district
12 shall primarily serve the residents within the district
13 boundaries, but may authorize service outside the district
14 boundaries where deemed appropriate.

15 (2) The board shall employ a qualified administrative
16 officer for the district. The board shall give public
17 notice of its solicitation of applications for a qualified
18 administrative officer.

19 Section 8. Budget -- mill levy authorized. The board
20 shall, annually, present its budget to the commissioners at
21 the regular budget meetings as prescribed by law, and
22 therewith certify the amount of money necessary and proper
23 for the ensuing year. The commissioners shall, annually, at
24 the time of levying county taxes, fix and levy a tax, in
25 mills, upon all property within said transportation district

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1 clearly sufficient to raise the amount certified by the
2 board. The tax so levied for all transportation district
3 purposes other than payment of bonded indebtedness shall not
4 in any year exceed twelve (12) mills on each dollar of
5 taxable valuation of property within said district.

6 Section 9. Duties of county treasurer -- warrants
7 issued by board. The procedure for the collection of the
8 tax shall be in accordance with the existing laws of the
9 state of Montana. The funds collected under the tax levy
10 shall be held by the county treasurer who shall be, ex
11 officio, the treasurer for the transportation district and
12 who shall keep a detailed account of all tax moneys paid
13 into the fund, of all other moneys from any source received
14 by the district, and of all payments and disbursements from
15 the fund. Funds shall be paid out on warrants issued by
16 direction of the board and signed by a majority of its
17 membership.

18 Section 10. Bond issues authorized. A transportation
19 district may borrow money by the issuance of bonds to
20 provide funds for the district, but the amount of bonds
21 issued for such purpose and outstanding at any time shall
22 not exceed five percent (5%) of taxable property therein, as
23 ascertained by the last assessment for state and county
24 taxes previous to the issuance of such bonds.

25 Section 11. Enlargement of district --

1 procedures. The boundaries of any transportation district
2 may be enlarged by any of the methods provided for the
3 establishment of the district; however, each addition must
4 be approved by a majority vote of the transportation board.

5 Section 12. Procedure for dissolving district.

6 (1) Any transportation district may be dissolved upon
7 presentation to the county commissioners of a petition
8 signed by at least fifty-one percent (51%) of the qualified
9 voters of such district. Upon the filing of such petition,
10 the commissioners shall carefully examine the petition and,
11 if it is found that the petition is in proper form, and
12 bears the requisite number of signatures of qualified
13 petitioners, the commissioners shall by resolution call for
14 a public hearing on the dissolution of such transportation
15 district. If such petition is found by the commissioners to
16 be lacking in the number of signatures, the commissioners
17 shall postpone any hearing on the petition until such time
18 as the required number of petitioners have signed the
19 petition.

20 (2) A notice of such hearing shall be published in a
21 newspaper having general circulation in the transportation
22 district, once each week for at least two (2) weeks, the
23 last publication to be at least two (2) weeks before the
24 hearing. If there is no newspaper having general
25 circulation in the district, the notice of the hearing shall

1 be posted in at least three (3) public places in the
2 district for two (2) weeks before the hearing. The notice
3 shall state the time, date, place and purpose of the
4 hearing.

5 (3) If upon such hearing the commissioners find that
6 the district is not indebted beyond funds immediately
7 available to extinguish all of its debts and obligations and
8 that there is good reason for the dissolution of such
9 district, the commissioners shall enter upon their minutes
10 an order dissolving such district. Such order shall be
11 filed, of record, and the dissolution shall be effective for
12 all purposes six (6) months after the date of filing the
13 order of dissolution, provided that at or before such time
14 the board of said district certifies to the county
15 commissioners that all debts and obligations of the district
16 have been paid, discharged or irrevocably settled, together
17 with proof thereof. Any assests of the district remaining
18 after all debts and obligations of the district have been
19 paid, discharged or irrevocably settled, shall be evenly
20 divided between the county and any cities within or
21 partially within the dissolved district.

22 Section 13. Effective date. This bill shall become
23 effective upon its passage and approval.

-End-

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

<u>HOUSE</u> BILL NO.	<u>ENTERED</u> COMM.	<u>DATE</u> CONSIDERED	<u>OUT OF</u> COMM.	<u>DO PASS</u> <u>DATE</u>	<u>DO NOT</u> <u>PASS</u> <u>DATE</u>	<u>DO PASS</u> <u>AS AMEND.</u> <u>DATE</u>	<u>BE CON-</u> <u>CURRED IN</u> <u>DATE</u>	<u>BE CONC. IN</u> <u>AS AMENDED</u> <u>DATE</u>	<u>BE NC</u> <u>CURRE</u> <u>DAT</u>
HB 216	2/7/75	3/5/75	TRANSFERRED TO JUDICIARY COMMITTEE						
HB 225	2/12/75	3/6/75	3/6/75						3/6/75
HB 249	2/7/75	2/25/75	2/25/75				2/25/75		
HB 251	2/8/75	3/13/75	3/13/75					3/13/75	
HB 252	2/7/75	3/13/75	3/13/75				3/13/75		
HB 254	not in this comm.	3/25/75	DISCUSSION						
HB 304	2/11/75	3/11/75	3/11/75				3/11/75		
HB 305	2/13/75	3/11/75	3/11/75					3/11/75	
HB 430	2/11/75	3/11/75							
		3/18/75	3/18/75						3/18/75
HB 436	2/27/75	3/13/75	3/13/75					3/13/75	
HB 454	2/22/75	3/15/75							
		3/18/75	3/18/75				3/18/75		
HB 464	2/22/75	3/15/75	3/15/75				3/15/75		
HB 465	2/13/75	2/13/75 2/20/75	2/20/75					2/20/75	
HB 484	2/17/75	2/27/75							
		3/4/75	3/4/75					3/4/75	

(Use Separate Sheet for Senate, House Bills, and Resolutions)

TRANSPORTATION

Highway Meeting

- 2 -

March 13, 1975

Bob Person, Legislative Council, recommended an amendment to HB 251 to clear up the language. He suggested amending page 1, section 1, line 18, following "(b)" by striking "first or second degree murder" and inserting "deliberate homicide or mitigated deliberate homicide", and further amending page 1, section 1, line 20, following "(c)" by striking "voluntary or involuntary manslaughter" and inserting "negligent homicide".

Senator Goodover moved WE ADOPT Mr. Person's suggested amendment. Senator Conover seconded the motion. Motion carried unanimously.

Senator Graham referred to page 2, lines 4 and 5, which provides for operating a motor vehicle while a license has been suspended. He asked what is done with this additional ten points.

Capt. Tooley said the points accumulate whether a man is licensed or not, if he continues to drive without a license. When the license is revoked the man loses all his points, to start again, and these points for driving without a license would then be put on his record.

Senator Goodover moved HB 251 AS AMENDED BE CONCURRED IN. Senator Dunkle seconded the motion. Motion carried, with all Senators voting yes, with the exception of Senator Graham, voting no.

Senator Dunkle moved HB 252 BE CONCURRED IN. Senator Goodover seconded the motion. Motion carried unanimously.

CONSIDERATION OF HB 436: Create Urban Transportation Districts.

Representative Daniel Kemmis, author, said this bill allows urban areas to set up and maintain urban transportation districts. It was introduced in light of the increasing fuel crisis. He feels in a state like Montana, we must make sure there is ample fuel for agriculture. He said they realize that a mass transit system will run at a deficit, and the question becomes how to fund this deficit. He said this bill addresses itself to that question. He said the bill does not ask for any state or highway money, but allows the people to tax themselves to pay the deficit. He said since they are concerned with outlying areas of the city also, and since this system will cross city lines, they need a means to tax these people, as there is no way of doing this under present law. This bill would allow special districts to be set up. It calls for a petition to be signed by 20% of the people in the district, which would be presented to the County Commissioners. They would hold hearings and proceed if they decided the district was in need. They would then either call a special election or the issue could become part of the general election. 51% of the people in the district would then have to vote for this mass transit system in their area before it could be set up. The bill further allows for a Transportation Board, which would, in the first instance, be appointed by the County Commissioners and city officials.

TRANSPORTATION

Highway Meeting

- 3 -

March 13, 1975

Rep. Kemmis said they would like to propose an amendment (attached) which would allow this board to be elected after this. They must present a budget and the commissioners then would propose a mill levy for property within the district to fund it.

Rep. Kemmis said the limitation of 12 mills was taken out of the bill by the House Business and Industry Committee, and they would also propose that this be reinstated (page 7, lines 12, 13 and 14.)

PROPOSERS:

Dick Smith, Missoula City Council, said they feel this is the only way the Missoula urban area will ever have a bus system. He feels it is very important that the voters decide whether the district will be created, who will be elected to the board, and how much will be levied in the way of property taxes. He said they don't know of any city in the country that is running a bus system at a profit.

Bill Bradford, Missoula City Council, further suggested the bill be amended on page 7, section 8, by reinstating the language that was stricken by the House on lines 12, 13 and 14.

Oscar Dooling, representative of the Missoula Mass Transit Committee, appointed by the Mayor, said he lives outside of the city limits. He feels the city limit line is very artificial, and pointed out there are a lot of federal employees that live outside these limits. He said they took a poll, and 70% of the people questioned said they would ride a bus to work if it were available.

Jack Morton, said this bill was not patterned after another state, but was mainly taken from the Rule Hospital District Act or Special Improvement legislation in Montana.

John Toole, representing an organization of downtown businessmen in Missoula, said the downtown people favor this legislation.

Senator Graham asked if it takes only 20% of the voters to propose this district.

Rep. Kemmis said this is true, but it takes 51% of the people to actually create it.

Senator Smith asked about a district that was totally made up of rental people, could they vote on this proposal.

Jack Morton said they could, as both property owners and voters could vote in the election.

Senator Manning asked how the twelve mill levy was arrived at.

Rep. Kemmis said this was placed in the bill by the people in Missoula when the bill was drafted. They felt 12 mills was ample for any area.

TRANSPORTATION

Highway Meeting

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March 13, 1975

Mr. Bradford said the proposed system will probably take five or six mills, rather than 12, but this would leave it open.

Senator Manning asked what would happen if additional persons wanted to be included in the district.

Rep. Kemmis said this would be up to the approval of the board.

(Senator Graham was excused at this point to attend another Committee hearing.)

Senator Goodover moved we ADOPT the proposed amendment to HB 436 on page 5, which would strike the existing section 6 and insert the new section 6 which would allow this board to be first appointed, and thereafter elected (See attached amendment). Senator Aber seconded the motion. Motion carried unanimously.

Senator Aber moved we amend page 7, lines 12 through 14 by re-instating the stricken material. Senator Conover seconded the motion. Motion carried unanimously.

Senator Goodover moved HB 436 BE CONCURRED IN AS AMENDED. Senator Dunkle seconded the motion. Motion carried unanimously.

CONSIDERATION OF HB 537: Relating to carriers and claims.

Representative Joe Quillici, author, said this bill was drawn up by the Consumer Counsel and the Consumer Affairs Division. He said they have had numerous complaints that motor carriers refuse to pay damage claims. He said this bill would allow the consumer to inspect the packages and see that the carrier will pay these claims in full. Attorney fees will also be paid by the carrier, in the event they are found at fault.

Jeoffrey Brazier, Consumer Counsel, said this bill also provides for situations when damage is not apparent when the shipment is first received. As it stands now, the consumer upon inspection makes a claim against the carrier for these hidden damages, and the carriers promises to investigate. Six months or more lapses, and nothing is done.

Patrick Flaherty, Consumer Counsel, said numerous complaints have been filed with the state and federal agencies.

Dick Disney, Department of Business Regulations, Consumer Affairs, said this problem is universal, not just in Montana. He presented the Committee with letters relating to a recent case of this nature (See attached letter to Mr. Disney from Ashland Harlo Freight Lines).

Mr. Disney referred to page 5, line 22, which states the consignee shall have the opportunity to examine the condition of the package in which the goods are shipped prior to signing the delivery receipt. If a consignee has real doubt, he can deny delivery.

TRANSPORTATION

Highway Meeting

- 4 -

March 13, 1975

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HIGHWAYS & TRANSPORTATION

Rep. Kemmis' Amendment

PROPOSED AMENDMENTS TO HOUSE BILL NO. 436

Amend House Bill No. 436, third reading copy, as follows:

1. Amend page 5, lines 14 through 25 and page 6, lines 1 through 16.

Following: "Section 6."

Strike: section 6 in its entirety.

Insert: "The district shall be governed by a transportation board. The transportation board shall consist of three (3) members appointed by a selection board composed of the commissioners and an equal number of representatives from the governing bodies of each incorporated city included or partially included in the district. The selection board shall also fill all vacancies occurring on the board. The selection board shall give public notice of its solicitation of applications for membership on the board. The notice shall be published in a newspaper having general circulation in the district, once each week for at least two (2) weeks, the last publication to be at least two (2) weeks before the appointment. If there is no newspaper having general circulation within the boundaries of the proposed district, the notice of solicitation shall be posted in at least three (3) public places within the boundaries of the proposed district for two (2) weeks before the appointment. The appointed members shall serve until the first county general election after their appointment. Thereafter, the board members shall be elected. Any qualified elector in the district may file a petition of candidacy with the county clerk and recorder of the county where the district is located. No filing fee shall be required. All candidates shall file a non-partisan petition for candidacy. The names of the six (6) candidates receiving the highest number of votes in the primary election shall be placed on the ballots in the county general election. The candidate receiving the highest number of votes in the county general election shall receive a four (4) year term on the board; the two (2) candidates receiving the next highest number of votes in the county general election shall receive two (2) year terms on the board. Thereafter, two (2) seats on the board shall be filled at every county general election. The candidate receiving the highest number of votes shall serve a four (4) year term, the candidate receiving the next highest number of votes shall serve a two (2) year term. The board members shall serve without pay except for necessary transportation expenses."

TRANSPORTATION

STANDING COMMITTEE REPORT

MARCH 13

19 75

MR. PRESIDENT

We, your committee on

HIGHWAYS AND TRANSPORTATION

having had under consideration

HOUSE

Bill No. 436

Respectfully report as follows: That

HOUSE

Bill No. 436

Third reading bill, be amended as follows:

1. Amend page 5, section 6, lines 14 through line 16 on page 6.

Following: "Section 6."

Strike: section 6 in its entirety

Insert:

"This district shall be governed by a transportation board. The transportation board shall consist of three (3) members appointed by a selection board composed of the commissioners and an equal number of representatives from the governing bodies of each incorporated city included or partially included in the district. The selection board shall also fill all vacancies occurring on the board. The selection board shall give public notice of its solicitation of applications for membership on the board. The notice shall be published in a newspaper having general circulation in the district, once each week for at least two (2) weeks, the last publication to be at least two (2) weeks before the appointment. If there is no newspaper having general circulation within the boundaries of the proposed district, the

TRANSPORTATION

Highways and Transportation
House Bill 436
March 13, 1973
Page 2

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2. Amend page 7, section 8, lines 14 through 16.

Following: "district"

Strike: "BE SUFFICIENT TO FUND THE PROPOSED BUDGET OF THE DISTRICT FOR THE FISCAL YEAR"

Insert: "not in any year exceed twelve (12) mills on each dollar of taxable valuation of property within said district"

AND AS SO AMENDED, BE CONCURRED IN

DAVE PATTERSON, CLERK

LOCAL GOVERNMENT COMMITTEE

44 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 409	An Act To Add Agricultural Processing Facilities to the Projects Eligible for Industrial Revenue Bonds; Amending Section 11-4101,...	1-28-75	Williams	2-5-75 To 2-14-75- 2-21-75	2-21-75 AS SO AMENDED DO PASS	2-21-75
HB 415	An Act Amending Section 11-1832, R.C.M. 1947, To Provide That Police in First and Second Class Cities Receive Two Percent	1-28-75	Huennekens	Returned to Speaker to go to State Admin.	Transferred out of committee 2-4-75	
HB 432	An Act To Allow Counties To Issue Revenue Bonds For Public Projects Necessitated By The Development or Expansion of Major Industrial	1-28-75	Fagg	2-5-75 taken out of committee to go to Taxation		
HB 436	An Act To Provide For The Creation of Urban Transportation Districts; and Providing an Immediate Effective Date.	1-28-75	Kemmis	2-5-75 To 2-7-75	2-21-75 AS SO AMENDED DO PASS	2-21-75
HB 189	An Act Providing For The Cancellation of Registrations by the County Clerks; Providing for Registration of Qualified Electors; and...	1-30-75	Barrett	2-7-75	2-7-75 DO NOT PASS	2-7-75
HB 503	An Act to Amend Section 25-605, R.C.M. 1947, To Provide for the Salary of Coroners in Counties With a Population in Excess....	1-30-75	Lynch	2-7-75	2-7-75 DO NOT PASS	2-7-75

GOVERNMENT

**FEBRUARY 5, 1975
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE**

The meeting was called to order at 8:00 A.M. by Chairman Gerke. The secretary called roll; Reps. Bertelsen, Kummerfeldt, Marks, and Wyrick were excused. All other members were present.

HB 436: The hearing on this bill was postponed until Friday, February 7, 1975.

HB 254: Rep. Fagg did not have the amendments ready for the committee at this time.

HB 268: Rep. Palmer reported his subcommittee on HB 268 will be meeting on Thursday. Chairman Gerke appointed Rep. Sivertsen to replace Rep. Bertelsen who is excused.

HB 215: Rep. South reported his subcommittee on HB 215 will be meeting at 11:00 A.M.

Chairman Gerke appointed the following on a subcommittee on House Bills 176, 177 and 179:

South, Chairman	Kendall	Asher
Wyrick	Robbins	
Sivertsen	Palmer	

HOUSE BILL 390: Rep. Yardley, sponsor, explained this bill provides for an act to amend a certain section regarding inspection fees collected by a sheriff or deputy sheriff. The bill provides that the inspection fees collected by the sheriff or deputy sheriff will be put in a special fund. Opponents were Cap Bryant, the Montana Sheriffs and Peace Officers Association; Bozz Davis, Sheriff, Dillon; Greyson Phipps, Deputy Sheriff, Dillon; and Bill Cheney, formerly of the Department of Livestock. Questions were asked by the committee. It was brought out that sheriffs are not required to be inspectors and are appointed. There is no special training. Mr. Cheney stated the fee is an incentive for the sheriff to do a better job and to go out at night to make inspections. It was also noted the bill required that the fee be turned into the auditor and some counties do not have an auditor.

HOUSE BILL 432: Rep. Fagg, sponsor, spoke briefly on this bill. Chairman Gerke discontinued the testimony on HB 432 as it was apparent that this bill did not belong in the Local Government Committee and proposed that it be transferred to the Taxation Committee. Rep. Fagg was in agreement.

HOUSE BILL 405: Rep. O'Connell, chief sponsor, explained that this is a bill authorizing counties, cities and towns to seek and accept bids for interest to be paid on public funds when the sum is in excess of one hundred thousand dollars (\$100,000). Proponents were Dan Mizner, Executive Director of the Montana League of Cities and Towns; Al Thelen, City Manager, Helena;

GOVERNMENT

**FEBRUARY 7, 1975
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE**

The meeting was called to order at 8:00 A.M. by Chairman Gerke. The secretary called roll: Rep. Kummerfeldt was excused, Rep. Sloan was absent, and all other members were present.

HOUSE BILL 254: Rep. Fagg presented a compromise amendment that would make the bill acceptable. The money may be taken from the funds that city receives pursuant to provisions of section 84-1840(1)(b) or from highway fund.

HOUSE BILL 371: Rep. Mular, chief sponsor, explained this gives formal notice to nonresident property owners of the passage of a special assessment. Gerald Allen, Attorney, Butte, proponent, stated this bill adds additional requirements with respect to nonresident property owners in the city that they would be entitled to a mailed notice of an assessment against the property involved. The law would also be amended with respect to counties. There were no opponents.

HOUSE BILL 436: Rep. Kemmis asked if the hearing of this bill could be passed until later as the witnesses had not arrived.

HOUSE BILL 489: Rep. Barrett, chief sponsor, spoke briefly and left a written statement of his testimony - exhibit 1. Proponent, John Bell, representing Clerk and Recorders, explained that 20% of the people in Montana have moved and have not changed their registration. Therefore, many people were voting in their old polling place and not voting in the proper district. This type cancellation was done in 1937. There were no opponents. Questions were asked as to cost of doing this and it was thought the present help could handle it. A penalty was discussed for failing to re-register when moving.

HOUSE BILL 503: Rep. Lynch, sponsor, presented this bill on behalf of the coroner's association. For many years they have not been in line with other elected officials in the counties with regard to salary. Rep. Lynch presented amendments that small counties wanted - exhibit 2. The following proponents were introduced: M. E. (Mickey) Nelson, Lewis and Clark County Coroner; Leo L. Jacobsen, Silver Bow County Coroner; and Dr. Rob Myers, Gallatin County Coroner. Opponent, Dean Zinnecker, Executive Director, Montana Association of Counties, said the bill basically asks that the duties of the coroner be compared with others in the courthouse, and he does not know if justified that a coroner be classified as a full-time person.

HOUSE BILL 515: Rep. Holmes, chief sponsor, explained this bill requires someone in each county welfare office to be designated as an emergency officer. Proponent, Frank R. Sennett, Human Services Planning and Research Project, noted there is a lack of coordination of emergency services in the county. This bill formalizes and puts the responsibility on one person in the welfare offices. Ronald A. Davis, Just-Us Inc., and Jim Reynolds, Human Resources Division IGR, were proponents. Dean Zinnecker, Executive Director, Montana Association of Counties, opponent, said it is an unnecessary duplication of services, and if they are not doing their job hope

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they can be encouraged to get it done. Majority of counties need an information officer but should not be restricted to welfare.

Rep. Palmer stated that he worked for a nonprofit organization and in Missoula there is no coordinating going on for human services.

Rep. Bertelsen was excused.

HOUSE BILL 578: Rep. Babcock, chief sponsor, explained this bill is increasing to ten thousand dollars the value of equipment which county commissioners may purchase without calling for bids. Proponent, Art Connich, County Commissioner, Lewis and Clark County, Helena, said the main reason is to alleviate hardship and to be able to purchase equipment or allowed to in an emergency up to ten thousand dollars. Chairman Gerke asked if the sponsor was aware of HB 92. Proponent, Charles A. Graveley, Deputy County Attorney, Lewis and Clark County, said we do have both bills, but I find there are some differences. In HB 92 bids would have to be solicited in any amount of four thousand dollars. It still ties the board of county commissioners in the case of an emergency. There were no opponents. Dean Zinnecker was asked if there was any particular reason why the commission authored HB 92 and he replied they thought HB 92 might be easier to get through legislature.

HOUSE BILL 436: Rep. Kemmis, chief sponsor, explained this is a bill to enable the creation of a urban transportation district. We are in a position now that people will use a mass transportation system. It would be unrealistic for cities to support a system to the urban community. Amendments were given to the committee. Proponent, Richard K. Smith, Missoula Citizen's Advisory Committee for Urban Transportation, said there is a great deal of interest of the people in Missoula to have a public transportation system. There is no way they can get a bus system if confined to city limits. Proponent, Oscar Dooling, Missoula Citizen's Advisory Committee, spoke and gave prepared statement to secretary - exhibit 3. Jack Morton, Attorney, Missoula, spoke briefly in support of the bill. There were no opponents. Questions were asked if county commissioners could create a transportation district without the vote of the people and the answer was that they could. It was noted however that the people have the power through a petition to dissolve the district. It was asked if the creation of the transportation system couldn't be handled by local government. Rep Kemmis said the problem is which unit of government is to handle it when crossing city and county lines.

Rep. Robbins was excused from the meeting.

The committee went into executive session.

HOUSE BILL 436: After a short discussion, Rep. Kendall moved that HB 436 be put into a subcommittee. Chairman Gerke assigned Rep. Kendall, chairman; Rep. Palmer and Rep. Asher to the subcommittee.

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Amendments to House Bill 436

1. Amend page 2, section 3, line 4
Following: "petitioner"
Insert: "and shall include a map showing the limits of the proposed district"
2. Amend page 2, section 3, line 9
Strike: "The"
Insert: "the"
3. Amend page 2, section 3, line 10
Following: "district"
Strike: ". Which"
Insert: ", and which"
4. Amend page 2, section 3, line 12
Strike: "Whether such qualified signers constitute more or less than twenty percent (20%) of the registered electors of the proposed transportation district."
Insert: "If the petition is found to contain less than twenty percent (20%) of the signatures of the qualified electors of the transportation district, the petition shall be declared void."
5. Amend page 2, section 3, line 16
Strike: "The"
Insert: "Provided the petition contains the signatures of twenty percent (20%) of the qualified electors of the proposed transportation district, the"
6. Amend page 2, section 3, line 20
Following: "and"
Strike: ", if they find that the petition is in proper form and bears the requisite number of signatures of the qualified petitioners, the commissioners"
7. Page 2, section 3, line 24
Strike: "If the petition is found to be lacking in the number of signatures required, the commission shall postpone or continue any hearing upon the petition until such time as the required number of petitioners have signed the petition. The commission may call for a public hearing on any proposed transportation district regardless of whether a petition for the creation of a transportation district has been presented to the commissioners."
8. Page 3, section 4, line 14
Strike: "without additional published or posted notice,"

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9. Amend page 4, section 3, line 6
Strike: "either to reject the creation of such a district, to exercise their power to create such a district, or"
10. Amend page 4, section 5, line 10
Following: "proposition"
Strike: "; however, if proper petition for the creation of a district has been presented to the commissioners, and a public hearing held on it, the commissioners shall proceed either to create such a district or to refer the creation of a district to the persons qualified to vote on such a proposition."
11. Amend page 7, section 8, line 3
Following: "shall"
Strike: "not in any year exceed twelve (12) mills on each dollar of taxable valuation of property within said district"
Insert: "be sufficient to fund the proposed budget of the district for the fiscal year"
12. Amend page 7, section 10, line 19
Following: "of"
Strike: "bonds"
Insert: "general obligation or revenue bonds, or a combination thereof,"
13. Amend page 8, section 11, line 2
Strike: "by any of the methods provided for the establishment of the district"
Insert: "if fifty-one percent (51%) of the qualified electors of the area to be added to the existing district sign a petition requesting addition to such district"
14. Amend page 8, section 11, line 4
Following: "board."
Insert: "All property within any addition to the transportation district shall be subject to all existing indebtedness of the district."
15. Amend page 8, section 12, line 17
Strike: "postpone any hearing on the petition until such time as the required number of petitioners have signed the petition"
Insert: "declare the petition void"

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would be willing to work with the committee and work out some amendments. Representative Kendall made a substitute motion to put it into a subcommittee but it was withdrawn in favor of sending the bill to the Senate and amending there. Question was called on DO PASS. Motion carried unanimously.

HOUSE BILL 409: It was moved by Representative Kendall, seconded by Representative Sloan, that the suggested amendments to House Bill 409 be adopted. Motion carried. It was moved by Representative Kendall, seconded by Representative Robbins, that House Bill 409 DO PASS AS AMENDED. After brief discussion question was called. Motion carried. Those voting NO were Representative Wyrick, Representative Asher, and Representative Sloan. Representative Kummerfeldt had been excused but advised the Chairman that he wished to vote YES.

HOUSE BILL 436: Representative Kendall, Chairman of the subcommittee, advised they had gone over the amendments with the sponsor and principal changes accomplished changes petitions procedure. It was moved by Representative Magone, seconded by Representative Sloan, that the amendments be adopted (exhibit #4). Question was called. Motion carried unanimously. It was moved by Representative Palmer, seconded by Representative Magone, that House Bill No. 436 DO PASS AS AMENDED. Motion carried unanimously.

SENATE BILL 116: Representative O'Connell, Chairman of subcommittee, reported that Senator Greeley, chief sponsor of SB 116, was present for the discussion concerning the amendment to SB 116 (exhibit #5). It was moved by Representative O'Connell, seconded by Representative Sloan, that the amendment to SB 116 be adopted. Motion carried unanimously. It was moved by Representative O'Connell seconded by Representative Kendall, that SB 116 DO PASS AS AMENDED. Motion carried unanimously.

Representative South said House Bill 215 has been referred to the rules committee and they are waiting for an opinion.

Being no further business to come before the committee at this time the meeting adjourned at 9:44 A.M.


Harold E. Cooke, Chairman


Yvonne Borgmann, Secretary

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EXHIBIT 4

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15. Amend page 8, section 12, line 17
Strike: "postpone any hearing on the petition until such time as the required number of petitioners have signed the petition"
Insert: "declare the petition void"

HOUSE BILL NO. 436

INTRODUCED BY KEMMIS, JOHNSON, FEDERICO, PALMER,
DUSSAULT, HARPER, LESTER, HUENNEKENS, LUEBECK, KIMBLE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
CREATION OF URBAN TRANSPORTATION DISTRICTS; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. This act authorizes the
establishment of urban transportation districts to supply
transportation services and facilities to district residents
and other persons.

Section 2. Definitions. As used in this act:
(1) "Commissioners" means the board of county commissioners
or other governing body of a county;

(2) "District" means any transportation district
created under this act;

(3) "Board" means the board of transportation of any
district created under this act.

Section 3. Petition -- call for public
hearing. (1) Proceedings for creation of a transportation
district may be initiated by a petition, signed by not less
than twenty percent (20%) of the qualified electors who
reside within the proposed transportation district. The

petition shall consist of one (1) sheet or several sheets
identical in form and fastened together after being
circulated and signed so as to form a single, complete
petition before being delivered to the county clerk. The
petition shall give the address of each petitioner AND SHALL
INCLUDE A MAP SHOWING THE LIMITS OF THE PROPOSED DISTRICT.
The complete petition shall be filed with the county clerk,
who shall within thirty (30) days thereafter, carefully
examine the same and attach to it a certificate under his
official signature and the seal of his office. The
certificate shall set forth: The THE total number of
persons who are registered electors within the proposed
transportation district; ~~---Which, AND WHICH~~ and how many of
the persons whose names are on the petitions are qualified
to sign such petition. ~~Whether---such---qualified-signers~~
~~constitute more or less than twenty percent---(20%)---of---the~~
~~registered electors of the proposed transportation district.~~
IF THE PETITION IS FOUND TO CONTAIN LESS THAN TWENTY PERCENT
(20%) OF THE SIGNATURES OF THE QUALIFIED ELECTORS OF THE
TRANSPORTATION DISTRICT, THE PETITION SHALL BE DECLARED
VOID.

(2) The PROVIDED THE PETITION CONTAINS THE SIGNATURES
OF TWENTY PERCENT (20%) OF THE QUALIFIED ELECTORS OF THE
PROPOSED TRANSPORTATION DISTRICT, THE county clerk shall
present the petition and his certificate to the

REFERENCE BILL

1 commissioners at their first meeting held after he has
2 attached his certificate.

3 (3) The commissioners shall thereupon examine the
4 petition and ~~if they find that the petition is in proper~~
5 ~~form and bears the requisite number of signatures of~~
6 ~~qualified petitioners, the commissioners shall by resolution~~
7 call for a public hearing on the creation of such
8 transportation district. ~~If the petition is found to be~~
9 ~~lacking in the number of signatures required, the~~
10 ~~commissioners shall postpone or continue any hearing upon~~
11 ~~the petition until such time as the required number of~~
12 ~~petitioners have signed the petition. The commissioners may~~
13 ~~call for a public hearing on any proposed transportation~~
14 ~~district regardless of whether a petition for the creation~~
15 ~~of a transportation district has been presented to the~~
16 ~~commissioners.~~

17 Section 4. Notice and conduct of public
18 hearing. (1) At the time fixed for the public hearing, the
19 commissioners shall hear all testimony offered in support of
20 and in opposition to any petition and the creation of the
21 district. The hearings may be adjourned from time to time
22 for the determination of additional information, or hearing
23 petitioners or objectors, ~~without additional published or~~
24 ~~posted notice,~~ but no adjournment may exceed two (2) weeks
25 after the date originally noticed and published for the

1 hearing.

2 (2) A notice of the public hearing shall be published
3 in a newspaper having general circulation within the
4 proposed transportation district once each week for at least
5 two (2) weeks, the last publication to be at least two (2)
6 weeks prior to the hearing. If there is no newspaper having
7 general circulation within the proposed district, the notice
8 of public hearing shall be posted in at least three (3)
9 public places within the proposed district for two (2) weeks
10 prior to the hearing. The notice shall state the time,
11 date, place, and purpose of the hearing and describe the
12 boundaries of the proposed transportation district.

13 Section 5. Reject or create -- resolution --
14 election. (1) The commissioners, upon completion of the
15 public hearing, shall proceed by resolution ~~either to reject~~
16 ~~the creation of such a district, to exercise their power to~~
17 ~~create such a district, or to refer the creation of such~~
18 district to the persons qualified to vote on such
19 proposition, ~~however, if a proper petition for the creation~~
20 ~~of a district has been presented to the commissioners and a~~
21 ~~public hearing held on it, the commissioners shall proceed~~
22 ~~either to create such a district or to refer the creation of~~
23 ~~a district to the persons qualified to vote on such~~
24 proposition. The commissioners may, in their resolution,
25 designate whether a special election shall be held, or

1 whether the matter shall be determined at the next general
2 election.

3 (2) If a special election is ordered, the
4 commissioners shall, in their order, specify the date for
5 the election, the voting places, and shall appoint and
6 designate judges and clerks therefor. The election shall be
7 held in all respects as nearly as practicable in conformity
8 with the general election laws.

9 (3) At the election, the ballots shall contain the
10 words:

" ☐ Transportation District -- Yes

11 ☐ Transportation District -- No "

12 The judges of the election shall certify to the
13 commissioners the results of the election.

14 Section 6. ~~Transportation--board-----selection----~~
15 ~~composition:--(1)---The--district--shall--be--governed--and~~
16 ~~managed--by--a--transportation--board--appointed--by--a--selection~~
17 ~~board--composed--of--the--commissioners--and--an--equal--number--of~~
18 ~~transportation--representatives--from--the--governing--body--of~~
19 ~~any--incorporated--city--included--or--partially--included--in--the~~
20 ~~district:--The--selection--board--shall--also--fill--all--vacancies~~
21 ~~occurring--on--the--board:--The--selection--board--shall--give~~
22 ~~public--notice--of--its--solicitation--of--applications--for~~
23 ~~membership--on--the--board;--or--for--any--vacancies--occurring--on~~

1 ~~the--board:--The--notice--shall--be--published--in--a--newspaper~~
2 ~~having--general--circulation--in--the--territory--within--the~~
3 ~~transportation--district;--once--each--week--for--at--least--two--(2)~~
4 ~~weeks;--the--last--publication--to--be--at--least--two--(2)--weeks~~
5 ~~before--the--appointment:--If--there--is--no--newspaper--having~~
6 ~~general--circulation--within--the--proposed--district;--the--notice~~
7 ~~of--solicitation--shall--be--posted--in--at--least--three--(3)--public~~
8 ~~places--within--the--proposed--district--for--two--(2)--weeks--before~~
9 ~~the--appointment:--The--notice--shall--state--the--time;--date--and~~
10 ~~place--of--the--appointment;~~

11 ~~(2)---The--transportation--board--shall--consist--of--three~~
12 ~~(3)--members--serving--staggered--three--(3)--year--terms:--The~~
13 ~~first--members--appointed--to--the--board--shall--serve--one--(1);~~
14 ~~two--(2)--and--three--(3)--years--respectively;--the--term--of--one~~
15 ~~member--expiring--on--July--1--of--each--year:--The--members--shall~~
16 ~~serve--without--pay;--except--for--necessary--mileage--expenses:~~
17 THE DISTRICT SHALL BE GOVERNED BY A TRANSPORTATION BOARD.
18 THE TRANSPORTATION BOARD SHALL CONSIST OF THREE (3) MEMBERS
19 APPOINTED BY A SELECTION BOARD COMPOSED OF THE COMMISSIONERS
20 AND AN EQUAL NUMBER OF REPRESENTATIVES FROM THE GOVERNING
21 BODIES OF EACH INCORPORATED CITY INCLUDED OR PARTIALLY
22 INCLUDED IN THE DISTRICT. THE SELECTION BOARD SHALL ALSO
23 FILL ALL VACANCIES OCCURRING ON THE BOARD. THE SELECTION
24 BOARD SHALL GIVE PUBLIC NOTICE OF ITS SOLICITATION OF
25 APPLICATIONS FOR MEMBERSHIP ON THE BOARD. THE NOTICE SHALL

1 BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN
 2 THE DISTRICT, ONCE EACH WEEK FOR AT LEAST TWO (2) WEEKS, THE
 3 LAST PUBLICATION TO BE AT LEAST TWO (2) WEEKS BEFORE THE
 4 APPOINTMENT. IF THERE IS NO NEWSPAPER HAVING GENERAL
 5 CIRCULATION WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT,
 6 THE NOTICE OF SOLICITATION SHALL BE POSTED IN AT LEAST THREE
 7 (3) PUBLIC PLACES WITHIN THE BOUNDARIES OF THE PROPOSED
 8 DISTRICT FOR TWO (2) WEEKS BEFORE THE APPOINTMENT. THE
 9 APPOINTED MEMBERS SHALL SERVE UNTIL THE FIRST COUNTY GENERAL
 10 ELECTION AFTER THEIR APPOINTMENT. THEREAFTER, THE BOARD
 11 MEMBERS SHALL BE ELECTED. ANY QUALIFIED ELECTOR IN THE
 12 DISTRICT MAY FILE A PETITION OF CANDIDACY WITH THE COUNTY
 13 CLERK AND RECORDER OF THE COUNTY WHERE THE DISTRICT IS
 14 LOCATED. NO FILING FEE SHALL BE REQUIRED. ALL CANDIDATES
 15 SHALL FILE A NONPARTISAN PETITION FOR CANDIDACY. THE NAMES
 16 OF THE SIX (6) CANDIDATES RECEIVING THE HIGHEST NUMBER OF
 17 VOTES IN THE PRIMARY ELECTION SHALL BE PLACED ON THE BALLOTS
 18 IN THE COUNTY GENERAL ELECTION. THE CANDIDATE RECEIVING THE
 19 HIGHEST NUMBER OF VOTES IN THE COUNTY GENERAL ELECTION SHALL
 20 RECEIVE A FOUR (4) YEAR TERM ON THE BOARD; THE TWO (2)
 21 CANDIDATES RECEIVING THE NEXT HIGHEST NUMBER OF VOTES IN THE
 22 COUNTY GENERAL ELECTION SHALL RECEIVE TWO (2) YEAR TERMS ON
 23 THE BOARD. THEREAFTER, TWO (2) SEATS ON THE BOARD SHALL BE
 24 FILLED AT EVERY COUNTY GENERAL ELECTION. THE CANDIDATE
 25 RECEIVING THE HIGHEST NUMBER OF VOTES SHALL SERVE A FOUR (4)

1 YEAR TERM, THE CANDIDATE RECEIVING THE NEXT HIGHEST NUMBER
 2 OF VOTES SHALL SERVE A TWO (2) YEAR TERM. THE BOARD MEMBERS
 3 SHALL SERVE WITHOUT PAY EXCEPT FOR NECESSARY TRANSPORTATION
 4 EXPENSES.

5 Section 7. Powers of transportation board. (1) The
 6 board shall have all powers necessary and proper to the
 7 establishment, operation, improvement, maintenance and
 8 administration of the transportation district. The district
 9 shall primarily serve the residents within the district
 10 boundaries, but may authorize service outside the district
 11 boundaries where deemed appropriate.

12 (2) The board shall employ a qualified administrative
 13 officer for the district. The board shall give public
 14 notice of its solicitation of applications for a qualified
 15 administrative officer.

16 Section 8. Budget -- mill levy authorized. The board
 17 shall, annually, present its budget to the commissioners at
 18 the regular budget meetings as prescribed by law, and
 19 therewith certify the amount of money necessary and proper
 20 for the ensuing year. The commissioners shall, annually, at
 21 the time of levying county taxes, fix and levy a tax, in
 22 mills, upon all property within said transportation district
 23 clearly sufficient to raise the amount certified by the
 24 board. The tax so levied for all transportation district
 25 purposes other than payment of bonded indebtedness shall not

1 ~~in any year exceed twelve (12) mills on each dollar of~~
 2 ~~taxable valuation of property within said district BE~~
 3 ~~SUFFICIENT TO FUND THE PROPOSED BUDGET OF THE DISTRICT FOR~~
 4 ~~THE FISCAL YEAR~~ NOT IN ANY YEAR EXCEED TWELVE (12) MILLS ON
 5 EACH DOLLAR OF TAXABLE VALUATION OF PROPERTY WITHIN SAID
 6 DISTRICT.

7 Section 9. Duties of county treasurer -- warrants
 8 issued by board. The procedure for the collection of the
 9 tax shall be in accordance with the existing laws of the
 10 state of Montana. The funds collected under the tax levy
 11 shall be held by the county treasurer who shall be, ex
 12 officio, the treasurer for the transportation district and
 13 who shall keep a detailed account of all tax moneys paid
 14 into the fund, of all other moneys from any source received
 15 by the district, and of all payments and disbursements from
 16 the fund. Funds shall be paid out on warrants issued by
 17 direction of the board and signed by a majority of its
 18 membership.

19 Section 10. Bond issues authorized. A transportation
 20 district may borrow money by the issuance of bonds GENERAL
 21 OBLIGATION OR REVENUE BONDS, OR A COMBINATION THEREOF, to
 22 provide funds for the district, but the amount of bonds
 23 issued for such purpose and outstanding at any time shall
 24 not exceed five percent (5%) of taxable property therein, as
 25 ascertained by the last assessment for state and county

1 taxes previous to the issuance of such bonds.

2 Section 11. Enlargement of district --
 3 procedures. The boundaries of any transportation district
 4 may be enlarged by ~~any of the methods provided for the~~
 5 ~~establishment of the district~~ IF FIFTY-ONE PERCENT (51%) OF
 6 THE QUALIFIED ELECTORS OF THE AREA TO BE ADDED TO THE
 7 EXISTING DISTRICT SIGN A PETITION REQUESTING ADDITION TO
 8 SUCH DISTRICT; however, each addition must be approved by a
 9 majority vote of the transportation board. ALL PROPERTY
 10 WITHIN ANY ADDITION TO THE TRANSPORTATION DISTRICT SHALL BE
 11 SUBJECT TO ALL EXISTING INDEBTEDNESS OF THE DISTRICT.

12 Section 12. Procedure for dissolving district.
 13 (1) Any transportation district may be dissolved upon
 14 presentation to the county commissioners of a petition
 15 signed by at least fifty-one percent (51%) of the qualified
 16 voters of such district. Upon the filing of such petition,
 17 the commissioners shall carefully examine the petition and,
 18 if it is found that the petition is in proper form, and
 19 bears the requisite number of signatures of qualified
 20 petitioners, the commissioners shall by resolution call for
 21 a public hearing on the dissolution of such transportation
 22 district. If such petition is found by the commissioners to
 23 be lacking in the number of signatures, the commissioners
 24 shall ~~postpone any hearing on the petition until such time~~
 25 ~~as the required number of petitioners have signed the~~

1 ~~petition-DECLARE THE PETITION VOID.~~

2 (2) A notice of such hearing shall be published in a
3 newspaper having general circulation in the transportation
4 district, once each week for at least two (2) weeks, the
5 last publication to be at least two (2) weeks before the
6 hearing. If there is no newspaper having general
7 circulation in the district, the notice of the hearing shall
8 be posted in at least three (3) public places in the
9 district for two (2) weeks before the hearing. The notice
10 shall state the time, date, place and purpose of the
11 hearing.

12 (3) If upon such hearing the commissioners find that
13 the district is not indebted beyond funds immediately
14 available to extinguish all of its debts and obligations and
15 that there is good reason for the dissolution of such
16 district, the commissioners shall enter upon their minutes
17 an order dissolving such district. Such order shall be
18 filed, of record, and the dissolution shall be effective for
19 all purposes six (6) months after the date of filing the
20 order of dissolution, provided that at or before such time
21 the board of said district certifies to the county
22 commissioners that all debts and obligations of the district
23 have been paid, discharged or irrevocably settled, together
24 with proof thereof. Any assests of the district remaining
25 after all debts and obligations of the district have been

1 paid, discharged or irrevocably settled, shall be evenly
2 divided between the county and any cities within or
3 partially within the dissolved district.

4 Section 13. Effective date. This bill shall become
5 effective upon its passage and approval.

-End-